# PROTOCOL BETWEEN WITHAM ME MEMORIAL HOSPITAL AND BOONE COUNTY DEPARTMENT OF CHILD SERVICES

A person who has a duty to report that a child may be a victim of child abuse or neglect under IC 31-6-11-3 shall immediately make an oral report to the local Child Protection service of Law Enforcement Agency. The following reports are examples of reports that shall be reported:

- Physical injury of a child from a non-accidental cause.
- Physical injury of a child in which the explanation for injury is not plausible or the explanation is inconsistent with the injury.
- The child is a victim of a sex crime.
- The child is born with Fetal Alcohol Syndrome or any amount, including a trace amount, of a controlled substance or a legend drug.
- 1. Monday through Friday, 7:30 A.M. to 4:30 p.m., reports shall be made to the Child Protection Service, Boone County Department of Child Services, at 482-0054. After office hours, reports should continue to be made at 482-0054, which will be answered by the Boone County Sheriff's Department. The responding officer will contact the Family Case Manager on-call when necessary. The Family Case Manager will then contact the hospital.
- 2. The Hospital shall take color photographs of the areas of trauma visible on the child according to IC 31-6-11-6. If medically indicated, a physical medical examination shall be performed and a radiological examination.
- 3. If photographs and/or x-rays need to be taken, DCS Form 175 must be completed and forwarded to the Boone County Department of Child Services for review. After review, the form will be forwarded to the State Division of Family and children for payment. (ATTACHMENT A)
- 4. When a child has been admitted to the Hospital and is currently the subject of an investigation by Child Protection Services for suspected abuse or neglect, the Hospital may not release the child to the parent, guardian, custodian or any other approved placement until the necessary authorization is provided to the Hospital. A letter from the Boone County Department of Child Services will be immediately forwarded to the Hospital for authorization of the child's release.
- 5. After a report of suspected child abuse or neglect is made by the Hospital and an investigation is initiated, the Boone County Department of Child Services is required to send a follow-up report (30/90 day report) to the Hospital. This report will provide basic information related to the outcome of the investigation.
- 6. The Boone County Department of Child Services in collaboration with the Boone County Child Protection Team has implemented a protocol for reviewing all child fatalities in Boone

County from suspected child abuse and neglect. The protocol of informing the DCS of child fatalities that are suspicious of child abuse and neglect is the same as the mandatory reporting law, which requires the mandatory reporting of all incidents of suspected child abuse and neglect.

7. The Hospital shall inform the Boone County Department of Child Services of abandoned infants per the protocol for "EMS Providers Taking Custody of Abandoned Infants". (ATTACHMENT B)

Witham Memorial Hospital

1.9.01

Date

Kamilla Aeschliman

Boone County Department of Child Services

12.27.06

Date

### PROTOCOL BETWEEN BOONE COUNTY SCHOOLS AND BOONE COUNTY OFFICE OF FAMILY AND CHILDREN

#### I. RESPONSIBILITY FOR REPORTING

The Indiana Juvenile Code requires any individual who has reason to believe that a child is a victim of child abuse or neglect to report to the local Child Protection service (CPS). (IC 31-6-11-3, IC 31-6-11-4) All school staff is obligated under this law. Regardless of individual school policy on reporting, staff members with reason to believe that a child is a victim of abuse or neglect are responsible for making an immediate oral report to law enforcement or CPS.

#### II. THE INVESTIGATION

Frequently the investigation will include an interview with the alleged victim at the school during school hours. In order that such interviews may be conducted with as much predictability, orderliness, and effectiveness as possible, the following guidelines for CPS staff (FCM), law enforcement officers, and school administrators have been developed. These guide lines are appropriate in terms of the law and in protecting the interests of the child, parent and school personnel while affording authorities latitude within which they may discharge their duties.

- A. When at all possible, the FCM and/or officer will notify the principal or the principal's designee when they will be at the school. Because of the irregularity of reports, it is not always possible for FCM's and officers to know from the onset what the scope of the day's investigation will be. In addition, because investigators never know how long any investigation will take, it is usually impossible to inform a school administrator of the exact time investigators will be at the school. Working within these limitations, however, the FCM or officer will do his/her best to give school officials advance notification of their visit and of the identity of the child to be interviewed.
- B. CPS is required to obtain parental permission to interview their child. The exception to this requirement is if the allegations of abuse or neglect meet the criteria for exigent circumstances. Exigent circumstances arise when obtaining parental permission to interview the child directly places the child's safety at risk. For example: If the perpetrator of sexual abuse is also the child's primary caregiver, then requesting permission to interview the child would be inappropriate.
- C. Upon entering the school, the FCM and/or officer will immediately contact the principal or principal's designee. Each school principal should provide CPS, on a yearly basis, the name of the person with whom the FCM and officer should make the initial contact. In turn, CPS will provide to each

- school the names of its FCM's as well as notify the school when there is a change of staff. Both the FCM and officer will present identification.
- D. Prior to the interview with the child, the investigative team and the school representative will decide where the interview will be conducted and who will be present. It may be desirable for the school principal, counselor, nurse or other school staff member to be present during the interview. However, in some instances, the presence of a third adult may inhibit the child's ability to describe the abuse experience. In other instances, the presence of a school staff member, possible already familiar to and trusted by the child, may make the child more willing to express himself. If the school and the FCM do not come to an agreement regarding who will be present, law enforcement will make the decision. In the absence of law enforcement officer, the FCM will make the decision.
- E. The school representative will arrange to have the child brought from the classroom to a designated area to ensure maximum privacy. The FCM and officer will then conduct the interview.
- F. At the conclusion of the interview, the FCM and officer may decide that protection of the child requires the immediate taking of the child into custody. This decision, and the reasons for the decision, will be promptly and clearly communicated to the principal or principal's designee.
- G. In situations that do not warrant the child being taken into custody and parental consent was not obtained due to exigent circumstances, the Office of Family Children will make reasonable efforts to immediately inform the parent of the interview and results prior to the child returning home from school.

#### III. WHAT SHOULD BE DONE IF THE CHILD IS TAKEN INTO CUSTODY.

- A. To the extent possible and as required by Indiana Code, the family case manager and/or the law enforcement officer will make every reasonable effort to notify the parent or guardian in person that the child is being taken into custody. If the parent cannot be reached in person or by telephone with regard to the reasons the child is being detained, then law enforcement will be provided with written notification to be delivered to the parent's home address. The school may be asked to provide a telephone number or address where the parent or secondary responsible person can be reached.
- B. The school shall also be provided specific instructions for releasing the child at the end of the day.

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C. If a parent subsequently telephones or comes to the school demanding an explanation of the action, he/she should be referred directly to CPS. The parent or guardian should be told that CPS took the action, not by the school, and that the situation must be dealt with through CPS.

#### IV. OTHER ISSUES

-10 2007

- A. In the event circumstances arise which preclude following the procedure outlined in this agreement, each agency representative shall contact his supervisor prior to taking or refusing to take specific action.
- B. If the school where the interview occurs is also the reporting source of the report, then the school is entitled to receive a 30/90 day report with an attached abbreviated report on the results of the investigation.

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12-20-06 Date	Kamilla Aeschlman, Director Boone County Department of Child Services
<u>12-21-2006</u> Date	Robert Taylor, Superintendent Lebanon Community Schools
_12 -21.06 Date	Stephen Sailor, Superintendent Western Boone Community Schools
Molot Date	Scott Robigon, Superintendent
Date	Zionsville Community Schools
1-10 2007	And around

Derek Arrowood, Superintendent Sheridan Community Schools

## PROTOCOL BETWEEN THE BOONE COUNTY PROSECUTING ATTORNEY AND THE BOONE COUNTY DEPARTMENT OF CHLD SERVICES

- 1. Whenever a child abuse or neglect report involves a child fatality or it appears the report may result in criminal prosecution, the CPS Family Case Manager will contact the Prosecutor's Office the day the report is received.
- 2. On substantiated child abuse and neglect cases, a copy of the intake report (Form 310) and investigative report (Form 311) will be forwarded to the Prosecutor's Office within 10 days of the completion of the reports.
- 3. The Prosecutor or his designee will attend monthly Child Protection Team meetings.
- 4. The family case manager and law enforcement officer involved in a case will be notified in advance of hearings and pre-trials.
- 5. If the family case manager is to be a witness at a hearing, he/she will meet with the Prosecutor at least one week in advance to prepare for the hearing. The Prosecutor will meet with any child who is to be a witness prior to a hearing to prepare that child for courtroom testimony.
- 6. In accordance with IC 31-34-2-2, a law enforcement officer may take a person into custody if the law enforcement officer has probable cause to believe that the person is the alleged perpetrator of an act against a child who the law enforcement officer believes to be a child in need of services as a result of the alleged perpetrator's act. The law enforcement officer may take the alleged perpetrator into custody for the purpose of removing the alleged perpetrator from the residence where the child resides. Further, the law enforcement officer shall make immediate contact with the attorney for Department of Child Services, for the purpose of initiating a protective order.
- 7. In accordance with IC 31-6-11-12.2, names of individuals named as perpetrators in substantiated child abuse or neglect cases will be entered into the Indiana State. Child Abuse Registry. The reasons for entry are: an arrest was made in connection with the child abuse/neglect report; a court determines that a child is a child in need of services; criminal charges were filed in connection with the report; or the report resulted in the establishment of an informal adjustment or a service referral agreement with which the perpetrator failed to substantially comply. The Boone County DCS will notify all persons entered into the registry in writing. Law enforcement will notify CPS in writing (via police report) when an arrest has been made in connection with an abuse or neglect report. Access to the Indiana State Central Registry will be limited according to the statute.

- 8. The Prosecutor will inform and update the family case manager and law enforcement officer regarding the negotiations in cases involving child abuse or neglect.
- 9. Copies of charges will be given to the family case manager when filed with the Court. Copies of plea agreements and agreed entries related to child abuse or neglect cases will be given to the family case manager for documentation and case planning purposes.
- 10. In order for cooperation between the two offices to continue, any problem involving a family case manager will be reported to the Director of the Boone County Department of Child Services.
- 11. The Prosecutor will be notified by the Director of the Boone County Department of Child Services if there is reason to believe that a person has intentionally made a false report of child abuse or neglect. The Director of the Boone County Department of Child Services and the Boone County Department of Child Services attorney will jointly review these reports and make a determination if a referral to the Prosecutor is appropriate.
- 12. The Victim's Assistance Coordinator will notify the Boone County Department of Child Services of police reports indicating one or more of the following situations: a child has been a direct witness of domestic violence in which property was severely destroyed, a parent suffered a significant injury, a child was directly or indirectly injured due to the domestic violence, or the protection of the child in relation to the incident is of paramount concern.

Kamilla Aeschliman, Director

Boone County Department of Child Services

1 2 -21-06 Date

Todd Meyer

Boone County Prosecuting Attorney

7-5-0 Date

## PROTOCOL BETWEEN BOONE COUNTY LAW ENFORCEMENT AND THE BOONE COUNTY DEPARTMENT OF CHILD SERVICES

Protection of Boone County children and the successful investigation and prosecution of child abuse and neglect cases require the participation of both law enforcement and the Division of Family and Children Child Protection service (CPS). Communication and cooperation between these agencies are essential.

- 1. During office hours of the Boone County Division of Family and Children, all reports of child abuse or neglect shall be reported to CPS at 482-0054. Office hours are Monday through Friday, 7:30 a.m. to 4:30 p.m., excluding holidays.
- 2. After office hours, the Boone County Sheriff's Department, Lebanon Police Department, or Zionsville Police Department will receive complaints regarding child abuse and neglect. The CPS telephone number is 482-0054 and will be answered by the Boone County Sheriff's Department. If the child's life is not in danger and the situation does not call for immediate action, the officer will copy their report and deliver to CPS the following work day.
- 3. If the officer believes that the child is in imminent danger of serious bodily harm, he/she should begin an immediate on -site investigation. Some situations which will require immediate investigations are:

Severe or extensive injuries to the child;
Young children left alone;
Any reported abuse of an infant;
Reports of needed medical attention;
Reports involving repeated abuse or neglect

The officer should make the preliminary investigation and determine whether to contact a CPS Family Case Manager (FCM). Furthermore, a CPS worker and an officer as provided by IC 31-6-11-11-(d) must investigate reports of serious abuse or neglect immediately and jointly. The officer should not hesitate to contact the FCM on-call if he/she has questions or concerns.

4. Photographs shall be taken of any injury that is evident at the time of response to a child abuse or neglect report. All law enforcement agencies and Office of Family and Children shall have access to a camera to take color photographs of injuries. All photographs taken by either a law enforcement officer or FCM shall be shared with the other responding agency. In addition, photographs shall be made available to the Boone County Office of Prosecuting Attorney.

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- 5. A FCM will be on 24-hour call. The Boone County Sheriff's Department and the Lebanon Police Department will receive a periodic schedule indicating who is on-call. As indicated on the schedule, an attempt should first be made to contact the FCM at home. If there is no response, the officer should attempt to contact the FCM by beeper. Allow (15) minutes for the FCM to respond. If no response, contact the Supervisor, Karina Rider, or the Agency Director, Kamilla Aeschliman.
- 6. If there is not sufficient time to obtain a Court Order, a child may be taken into custody by an FCM and law enforcement officer **together** or by the officer alone with probable cause to believe the child is a child in Need of Services (CHINS) and is in immediate danger. Detention by law enforcement should be only after consultation with an FCM except in cases of extreme emergency. Definition of CHINS according to IC-31-6-4-3 is attached. (ATTACHMENT A)

If an officer takes a child into custody without an FCM, the officer shall immediately complete a Detention Report to the Court and forward copies to CPS for distribution. (ATTACHMENT B)

The officer should contact the FCM to find an appropriate placement for the child. Before taking a child into custody, it shall be determined if any less restrictive method can protect the child. This would include removing the perpetrator of the abuse. If the officer removes the alleged perpetrator rather than the child, he shall immediately contact the CPS attorney, Richard Porter, 482-7011 or 482-6860, for the purpose of obtaining a Protective Order to prevent contact with the child.

- 7. If the child must be taken into custody, appropriate placement of the child shall be made by the FCM or in consultation with the FCM. Family members may be explored as a placement option. Prior to placing a child with a relative, a criminal history check shall be done on all household members, a CPS check shall be completed on all household members, and a visual inspection of the relative's home must be completed. If an officer takes a child into custody without the consultation of the Office of Family and Children, then the officer shall immediately complete a Detention Report to the Court and forward copies to CPS for distribution.
- 8. Law enforcement officers shall assist the Boone County Department of Child Services in obtaining criminal history information prior to the placement of children with a relative during an emergency removal.
- 9. If it appears possible that criminal charges may be pursued, the officer will be in contact with the Prosecutor as the officer would in other cases.
- 10. In accordance with IC 31-34-2-2, a law enforcement officer may take a person into custody if the law enforcement officer has probable cause to believe that the person is the alleged perpetrator of an act against a child who the law enforcement officer

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believes to be a child in need of services as a result of the alleged perpetrator's act. The law enforcement officer may take the alleged perpetrator into custody for the purpose of removing the alleged perpetrator from the residence where the child resides. Further, the law enforcement officer shall make immediate contact with the attorney for Boone County Department of Child Services, for the purpose of initiating a protective order.

- 11. During working hours, the FCM will obtain assistance from law enforcement when there is suspected violence, drug activity in the home, or it is believed criminal charges may result. When a report is received with allegations involving drug activity in the home, such as the production and sales of drugs in the home where a minor lives in the residence, the Department of Child Services shall work closely with law enforcement and their procedures to ensure the safety of all parties during the investigation. More specifically, with the involvement of methamphetamine production, the Department of Child Services shall follow law enforcement procedures with regard to hazardous materials.
- 12. Whenever a suspicious child fatality occurs, the officer in charge of the investigation will make immediate contact with CPS to advise CPS of the fatality. CPS will complete a DCS Form 310 and will make a copy available to law enforcement. CPS and law enforcement will discuss whether or not CPS needs to be involved in the investigation to assist in some interviews. CPS is required to assess risk to surviving siblings, to evaluate elements related to possible abuse or neglect, and to offer any services, such as grief counseling, to the family. When the investigation is complete, law enforcement will forward a copy of the investigation to CPS. The DCS Form completed by CPS will be made available to law enforcement. Suspicious child fatalities include but are not limited to the following:

Ш	Homicide with an alleged perpetrator in a caretaker role;
	Accidental death where questions of caretaker negligence are raised;
	Natural death, including SIDS, where the condition of the body or
	autopsy suggests abuse or neglect;
<u> </u>	Suicide if abuse or neglect may be contributing cause;
	Death from undetermined or no definite cause.

- 13. All information obtained during an investigation, including the name of the complainant, is confidential information and cannot be released. It is important not to name the report source and children as to protect their identity from embarrassment and humiliation in the community.
- 14. Law enforcement and CPS shall make available to one another any information concerning the investigation, including copies of investigative reports. As part of the investigation, law enforcement shall take color photographs of areas of trauma visible

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on the child. Law enforcement or CPS shall cause a radiological examination of the child if medically necessary.

- 15. In accordance with IC 31-6-11-12.2, names of individuals named as perpetrators in substantiated child abuse or neglect cases will be entered into the Indiana State Child Abuse Registry. The reasons for entry are: an arrest was made in connection with the child abuse/neglect report; a court determines that a child is a child in need of services; criminal charges were filed in connection with the report; or the report resulted in the establishment of an informal adjustment or a service referral agreement with which the perpetrator failed to substantially comply. The Boone County DCS will notify all persons entered into the registry in writing. Law enforcement will notify CPS in writing (via police report) when an arrest has been made in connection with an abuse or neglect report. Access to the Indiana State Central Registry will be limited according to the statute.
- 16. The mutual goal is that a good working relationship will continue between the Boone County of Child Services and Law Enforcement. If there should be a disagreement or problem between a FCM and Officer, that situation should be reported to the individual's supervisor who shall contact the head of the other agency to correct the problem.

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<u>ι 2- 2 7-06</u> Date	Kamilla Aeschliman, Director
	Boone County Department of Child Services
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12-27-06	Kn P Combull
Date	Ken Campbell, Sheriff
	Boone County Police Department
1-3-07	Jes Jal
Date	Tom Garoffolo, Chief of Police
	Lebanon, Police Department

12-31-04

Date

James Wampler, Chief of Police Zionsville Police Department

#### Boone County OFC Protocol for EMS Providers Taking Custody of Abandoned Infants

#### **Emergency Medical Provider Responsibilities**

- 1. An emergency medical services (EMS) provider will, without court order, take custody of a child who is, or who appears to be not more than thirty days of age if:
  - the child is voluntarily left with provider by the child's parent, guardian or custodian AND
  - the parent does not express any intent to return for the child

An Emergency Medical Provider is defined as — law enforcement officer, firefighter, hospital/emergency room medical staff, paramedic, emergency medical technician or any other person who provides emergency medical services in the course of the person's employment.

- The EMS provider will perform any act necessary to protect the child's physical health or safety and to obtain as much information as possible under the circumstances regarding medical history, identity and circumstances of the abandonment.
  - Do not attempt to pressure the parent, guardian or custodian for information about their identity. Explain to this person that information about medical history, age and any significant event to the baby is important for the medical safety of the baby. Obtain as much information without causing them to flee without any information.
- 3. Immediately after an EMS provider takes custody of an abandoned infant, the EMS provider will contact the Boone County Child Protection Service by calling the child abuse hotline at 482-0054 to report that they have taken custody of an abandoned infant.

### **Child Protection Service Responsibilities**

- 1. Upon receipt of an abandoned infant report from an EMS provider, the Family Case Manager will do the following:
  - During office hours: The screener will immediately notify the Director or Child Welfare Supervisor. The Director or Supervisor will immediately assign the case for investigation. CPS will assume the care, control and custody of the child immediately after receiving the report of an abandoned infant. The Family Case Manager will take immediate custody of the child from the EMS provider at the provider's location and deliver the child to the caretaker selected and approved by CPS.
  - After office hours: The on call schedule is posted at the Sheriffs Department. The Family Case Manager on call will immediately notify

the Director or Child Welfare Supervisor. The Family Case Manager will make the necessary arrangements to take custody of and find suitable placement for the child.

- 2. The Family Case Manager will notify the Local Office Attorney that A CHINS petition needs to be prepared on an abandoned infant from an EMS provider. The attorney will then request the Juvenile Court to do the following:
  - Authorize the filling of a CHINS petition.
  - Assure that the detention hearing and initial hearing are held concurrently.
  - Hold an initial hearing under IC 31-34-10 no later than the next business day after the child is taken into custody. If the Juvenile Court is unavailable to hold initial hearing within the next business day, the hearing is not to be held any later than 3 days after child is taken into custody.
- 3. The Family Case Manager is required to notify the EMS provider of the initial hearing for the abandoned infant. The EMS provider is strongly encouraged to attend the proceeding as a witness to the actual abandonment.
- 4. The Family Case Manager will notify the EMS of provider, in addition to parties identified under IC 31-34-21-4, 10 days in advance of a case review hearing and a termination of parental rights hearing involving the abandoned infant.

#### Additional information to remember:

- A parent, guardian or custodian must safely abandon the child with an EMS provider. To safely abandon a child this requires that the child has no evidence of abuse or neglect and no injury occurs during the abandonment. Ex. A parent leaves a child in the hospital restroom with the intent that hospital staff will find the infant within minutes. The infant is not found for 2 days and is severely dehydrated. The parent cannot use this statute as a defense to prosecution.
- A baby left with an EMS provider per this statute is a defense against prosecution: there fore these cases will not be assigned to law enforcement. The role of CPS is to place the infant in a safe and environment and to file a CHINS petition. \*Pursuant to statute IC 31-33-7-5, a copy of a report accepted by CPS shall immediately be made available to law enforcement and prosecutor.
- The Juvenile Court can waive the requirement for reasonable efforts because of rebuttable presumption that is not in the best interest of the child, which will expedite permanency.

#### PROTOCOL BETWEEN THE BOONE COUNTY CORONER AND THE BOONE COUNTY DIVISION OF FAMILY AND CHILDREN

Whenever a suspicious child death occurs, the coroner and the Boone County Child Protection Services (CPS) will make immediate telephone contact to assure that both agencies are aware of the death. CPS will complete a written report, the DFC Form 310, and will make a copy available to the Coroner. After an investigation, the Coroner will report his findings to the appropriate law enforcement agency, the Prosecutor, CPS, and if the institutions making the initial abuses or neglect report is a hospital, the hospital. The CPS written report of the investigation, DFC Form 311, will be made available to the

Coroner. Suspicious child deaths include, but are not limited to the following: Homicide with an alleged perpetrator in a caretaker role; Accidental death where question of caretaker negligence are raised; Natural death (including SIDS) where the condition of the body or the autopsy suggests abuse or neglect; Suicide if abuse or neglect may be a contributing cause; Death from undetermined or no definite cause. In addition to this contact in cases involving possible child abuse and neglect, the Coroner will also attend and present information at an annual Child Fatality Review Team Meeting. The Child Fatality Review Team will review all accidental and non-accidental deaths not resulting from natural causes of children ages 0-17 years old.

Kamilla Aeschliman, Director

Boone County Department of Child Services

Dr. Richard Dowden **Boone County Coroner** 

#### **Child Fatality Reporting Policy**

Whenever a suspicious child fatality occurs, the officer in charge of the investigation will make immediate contact with the County Office of the Division of Family & Children to assure that the office is aware of the death. The County Office will complete a written report, SF114/FPP0310 (FPP 310) Preliminary Report of Alleged Child Abuse or Neglect, and will make a copy available to the law enforcement agency (LEA). The County Office and the LEA will discuss whether or not the County Office needs to be involved in the investigation to assist in some interviews, to assess risk to surviving siblings, or to help evaluate elements related to possible abuse or neglect. When the investigation is complete, LEA will forward a copy of the investigation report to the County Office. The County Office's written report of the investigation, SF113/FPP0311 (FPP 311) Investigation of Alleged Child Abuse or Neglect, will be made available to LEA.

Suspicious child fatalities include, but are not limited to the following:

- homicide with an alleged perpetrator in a caregiver role;
- accidental death where questions of caregiver negligence are raised;
- natural death (including SIDS) where the condition of the body or autopsy suggests abuse or neglect;
- suicide, if abuse or neglect may be a contributing factor;
- · death from undetermined or no definite cause; and
- death of a child being supervised by the Division, either as a Child in Need of Services or by Informal Adjustment or by a Services Referral Agreement.

Entered into this 2<sup>ND</sup> day of January, 2007, between the Boone County Office of Family & Children and Lebanon City Police Department.

Dr. Richard Dowden, Boone County Coroner

Kamilla Acschliman, Director

Boone County Department of Child Services